

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Gavin Vinson	Art Unit :	1651
Serial No. :	10/580,081	Examiner :	Ruth A Davis
Filed :	May 18, 2006	Conf. No. :	6917
Title :	Regulation Of Sperm Function		

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

In response to the restriction requirement dated August 25, 2009, Applicant elects for prosecution the invention of Group II, i.e., claims 28-31 drawn to a method for conserving sperm.

The above election is made with traverse. More specifically, Applicant would like to point out that the restriction requirement between Group I and Group II is improper for the following reason.

As pointed out by the Examiner, the claims in Group I (i.e., claims 20-27) are drawn to a method for regulating sperm and the claims in Group II (i.e., claims 28-31) are drawn to a method for conserving sperm. See the Restriction Requirement, page 2, Item 1. The claims in both groups require a step of adding an extracellular matrix protein to a sperm sample.

Staunton et al., the reference relied on by the Examiner in support of the restriction requirement, discloses a composition containing vitronectin (an extracellular matrix protein) and a buffer. See Para [0087]. This reference does not teach adding the vitronectin-containing composition to a sperm sample, a step required by the claims in both Group I and Group II. Thus, these two groups involve a technical feature (i.e., the just-mentioned adding step) that renders both groups patentable over Staunton et al. As such, Applicant respectfully requests that the Examiner consider both Group I and Group II, i.e., claims 20-31, in the present application.

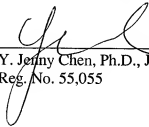
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Attorney Docket No.: 57301-002US1

The Petition for Extension of Time fee in the amount of \$ 65 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any charges to Deposit Account No. 50-4189, referencing Attorney Docket No. 57301-002US1.

Date: 10/5/09

Respectfully submitted,


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